

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

Eric Kinlein Plaintiff, v. Stellar Recovery, Inc. Defendant.	<u>CASE NO:</u>
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**COMPLAINT FOR VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

COMES NOW Plaintiff, Eric Kinlein, by and through his attorney, Addleman Law Firm, and for his complaint against the Defendant, Credit Control, LLC, Plaintiff states as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §1692, et seq.

II. JURISDICTION

2. Jurisdiction of this Court arises under 28 U.S.C. §1331, 15 U.S.C. §1692k(d), 47 U.S.C. §227.
3. This action arises out of violations of the FDCPA by Defendant and their agents in their illegal efforts to collect a consumer debt from Plaintiff.
4. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

III. PARTIES

5. Plaintiff Eric Kinlein is a natural person who resides in the City of Harrisonville, County of Cass, State of Missouri, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
6. Defendant Stellar Recovery, Inc., is a collection agency and a Florida corporate operating from an address of 54500 Salisbury Road, Suite 105, Jacksonville, Florida 32216, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

IV. ALLEGATIONS

7. Plaintiff incorporates the allegations in paragraphs 1-6 as if fully set forth herein.
8. Defendant sent an email in an attempt to collect a debt from Plaintiff on or about January 15, 2015 (hereinafter the “Email”).
9. The Email was sent to email address “prdiehl@cmh.edu.”
10. That email address did not belong to Plaintiff.
11. That email address belonged to a third party friend of Plaintiff.
12. Plaintiff’s friend received the Email and showed it to Plaintiff.
13. The Email stated Plaintiff owed a debt.
14. Plaintiff’s friend who received the email saw the statement that Plaintiff owed a debt to Defendant.
15. The Email was not an attempt to correct or confirm location information.
16. The Email was the first communication with Plaintiff.

17. The Email did not contain the thirty day validation notice required to be sent within five days of the initial communication under FDCPA § 1692g (hereinafter, the “g-notice”).
18. Defendant did not send another communication to Plaintiff within five days of the initial communication containing the required g-notice.
19. Plaintiff did not receive another communication from Defendant containing the required g-notice.
20. Defendant’s statements in the Email were susceptible to several interpretations by an unsophisticated consumer; as only one reasonable interpretation would be true, Defendant’s statements constituted false or misleading information under 15 U.S.C § 1692e(10);
21. Defendant’s statements in the Email operated to mislead and/or deceive the Plaintiff as an unsophisticated consumer, and to create anxiety, stress, and intimidation in order to collect an alleged debt.

IV. JURY DEMAND

22. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Eric Kinlein, by and through his attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1) from Defendant;
- b. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) from Defendant;
- c. Plaintiff's attorneys' fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant;
- f. Any other relief deemed appropriate by this Honorable court.

Respectfully submitted,

Addleman Law Firm, LLC

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